

CLERK'S OFFICE

APPROVED

Date: 11-4-03

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For Reading: September 23, 2003

Anchorage, Alaska
AO No. 2003-133

1 AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE
2 REZONING FROM B-3 SL (GENERAL BUSINESS WITH SPECIAL LIMITATIONS) TO
3 R-0 SL (RESIDENTIAL-OFFICE WITH SPECIAL LIMITATIONS), FOR LOTS 1 AND 2,
4 TOWN SQUARE SUBDIVISION, GENERALLY LOCATED ON THE SOUTH SIDE OF
5 DEBARR ROAD, EAST OF LAKE OTIS PARKWAY.

6
7 (Airport Heights Community Council) (Planning and Zoning Commission Case 2003-083)

8
9 THE ANCHORAGE MUNICIPAL ASSEMBLY ORDAINS:

10
11 **Section 1.** The zoning map shall be amended by designating the following described
12 property as R-O SL (Residential-Office with Special Limitations) zone:

13
14 Lots 1 and 2, Town Square Subdivision, as shown on Exhibit "A".

15
16 The zoning map amendment shall be subject to the following special limitations:

- 17
18 1. Building height, as defined by AMC 21.45.050, shall not exceed a maximum of 138 feet
19 above mean sea level based on GAAB 1972 Post Quake Adjustment.
20
21 2. Maximum lot coverage of all buildings shall not exceed forty percent.
22
23 3. Buffer landscaping, meeting the standards of AMC 21.45.125, shall be retained along the
24 east side of the lot lines.

25
26 **Section 2.** The special limitations set forth in this ordinance prevail over any inconsistent
27 provisions of Title 21 of the Anchorage Municipal Code, unless specifically provided for
28 otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically
29 affected by the Special Limitations set forth in this ordinance, shall apply in the same manner
30 as if the district classification applied by this ordinance were not subject to Special
31 Limitations.


32
33 **Section 3.** The Director of the Planning Department shall change the zoning map
34 accordingly.
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Section 4. This ordinance shall become effective within 10 days after the Director of the Planning Department has received the written consent of the owners of the property within the area described in Section 1 above to the special limitations contained herein. The rezone approval contained herein shall automatically expire and be null and void if the written consent is not received within 120 days after the date on which this ordinance is passed and approved. In the event no special limitations are contained herein, this ordinance is effective immediately upon passage and approval. The Director of the Planning Department shall change the zoning map accordingly.

PASSED AND APPROVED by the Anchorage Assembly this 4th day of November 2003.


Chair

ATTEST:


Municipal Clerk

(Case No. 2003-083) (Tax ID No. 004-111-10 and 12)

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2003-133

Title: Rezoning from B-3 SL (General Business with Special Limitations) to R-O SL (Residential-Office with Special Limitations) for Lots 1 and 2, Town Square Subdivision.

Sponsor:

Preparing Agency: Planning Department

Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)			
	<u>FY03</u>	<u>FY04</u>	<u>FY05</u>	<u>FY06</u>	
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$	\$	\$	\$	
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$	\$	\$	\$	
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					
PUBLIC SECTOR ECONOMIC EFFECTS:					

Approval of this rezoning should have no significant economic impact upon the public sector. The public sector will benefit with appropriately zoned land in a location for efficient use of land in concert with the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of the rezoning should have no significant economic impact on the private sector. The property will be appropriately zoned in accordance with the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*.

Prepared by:	<u>Jerry T. Weaver Jr., Zoning Administrator</u>	Telephone: <u>343-7939</u>
Validated by OMB:	<u></u>	Date: <u></u>
Approved by:	<u>(Director, Preparing Agency)</u>	Date: <u></u>
Concurred by:	<u>(Director, Impacted Agency)</u>	Date: <u></u>
Approved by:	<u>(Municipal Manager)</u>	Date: <u></u>



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 743-2003

Meeting Date: September 23, 2003

From: Mayor

Subject: AO 2003-133 Planning and Zoning Commission Recommendation for a Rezoning from B-3 SL (General Business with Special Limitations) to R-O SL (Residential-Office with Special Limitations) for Lots 1 and 2, Town Square Subdivision.

1 This is a request by the property owner, Frontline Hospital, L.L.C., a subsidiary of Universal
2 Health Services, to rezone the petition site (Lots 1 and 2, Town Square Subdivision) from B-3
3 SL to R-O SL. Lot 1 is the site of the North Star Behavioral Health System hospital facility.
4 Lot 2, directly to the south, is vacant.

5
6 Hospitals are currently prohibited in the B-3 district. The existing facility has nonconforming
7 rights. However, the petitioner wishes to construct a new residential facility on Lot 2. The
8 proposed R-O zoning would make this possible, as well as providing appropriate zoning for
9 the existing hospital facility.

10
11 The petition site was rezoned from B-1 to B-3 SL in 1978 with AO 78-224. The petition site
12 was created in 1983 by Plat 83-78 and the hospital was built in 1983. According to the land
13 use code in effect at the time the present hospital facility was built, medical and health
14 services were listed as allowed in this district, and it was interpreted that a hospital could fit
15 under that category. However, in 1985, the Assembly revised the B-3 district and removed
16 the "laundry list" of uses allowed, replacing it with more of a "catch-all" version. In
17 September of 2000, the Municipal Attorney's Office provided the Department with a legal
18 opinion stating that due to those revisions in 1985, hospitals are now prohibited in the B-3
19 district. As the existing facility on the petition site was constructed prior to the 1985 changes,
20 it has nonconforming rights.

21
22 On August 14, 2000, the Planning and Zoning Commission denied the selection of this site
23 for the new Alaska Psychiatric Institute (API) replacement facility. The rationalization for the
24 denial was because of the correctional institute component of the psychiatric facility, and its
25 proximity to the elementary school abutting the site to the east. Subsequent to that decision, a
26 legal opinion was provided. It stated that the hospital use, as well as the correctional
27 component, are not permitted uses in the B-3 district, and the replacement facility is now
28 being sited adjacent to the existing API facility on Providence Drive.

1
2 The petitioners are currently using the facility on Lot 1 for a behavioral health hospital, which
3 is allowed through its nonconforming rights. However, they wish to build an additional
4 residential component on Lot 2 which requires a rezoning to an appropriate use district. Thus,
5 the request to rezone both lots to a zoning district which is appropriate for not only the
6 existing and proposed use, but for the area as well.
7

8 A resolution for approval with special limitations for height and lot coverage restrictions was
9 received from the Airport Heights Community Council.
10

11 The Department and the Planning and Zoning Commission find the request for rezoning from
12 B-3 SL to R-O SL to be compatible not only with the surrounding area, but also with the
13 Comprehensive Plan and the standards for a rezoning request. The only potential
14 incompatibility would be the school to the southeast. However, with the special limitations
15 proposed by the petitioner, as well as the addition of a landscaping easement on the
16 embankment, and the existence of the embankment itself with its vegetation, this
17 incompatibility will be properly mitigated.
18

19 Approval of the rezoning is recommended.
20

21
22 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department
23 Concur: Susan R. Fison, Acting Director, Planning Department
24 Concur: Mary Jane Michael, Director, Office of Economics and
25 Community Development
26 Concur: Denis C. LeBlanc, Municipal Manager
27 Respectfully submitted, Mark Begich, Mayor
28
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